

AN
EXAMINATION
OF A
PAMPHLET,

ENTITLED

HIS CATHOLIC MAJESTY'S
MANIFESTO, &c.

WITH

REASONS *for not* Paying the
95000*l.*

Spain, Philip & King.
N



L O N D O N,

Printed for T. GARDNER, Printer and Pub-
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[Price One Shilling.]

EXAMINATION

OF A

MANUSCRIPT

IN THE

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THE
P R E F A C E.

THE Author of the following Pages would not have appear'd in Print upon this Occasion, had any other Pamphlet upon this Subject appear'd. The Reader will find here a new Translation of the Manifesto and Reasons, which it is hop'd will greatly contribute to his forming a right Judgment of the Point in Question, the former Translation being unjust and false, and apt to mislead those who
are

ii *The* P R E F A C E .

are unacquainted with *French*, into Mistakes, both as to the Facts and the Reasoning. The Author did not see any other Copy of the Manifesto, than that publish'd in the Pamphlet, till the first Sheet of this was wrought off.





AN
EXAMINATION

OF THE

Spanish Manifesto, &c.



THE Writing I am now to consider, tho' in its own Nature extremely interesting to the Public, and such as affects not only the Rights of the Nation, but calls in question even the Honour and Justice of his Majesty, was publish'd at London without any Authority from our Government, and so far as appears to the World without the Allowance, if not against the Intention, of the Minister of that Prince and Court, whose Sentiments it is said to contain. Manifestoes have likewise been look'd upon as public Acts

Acts of a Government, exhibiting the Reasons of its Conduct. Therefore they are regularly communicated to every Power not immediately interested in the Quarrel; but I can find no Instance wherein upon the Eve of a War any Government affected by a Manifesto have suffer'd that Manifesto to be publish'd in their Dominions. Whatever may be the Reasons why this Manifesto has been publish'd here without any Interposition of the higher Powers, who are ever vigilant to suppress whatever calls in question the Rights of this Nation, the Justice of his Majesty, or their own Authority, if written by a Subject of *Britain*, I shall look upon the Conduct of our Government in this Instance in a favourable Light for the Ministry. I shall therefore consider this Manifesto as an Appeal to the Sense of the Nation, and shall suppose that the Government by its Indulgence has for once generously condescended so far as to let the People fairly see both Sides of the Question; and if any Reflections shall be interspers'd while I view it in this Light, they shall be such as naturally and unavoidably arise from the Subject.

I shall pass by all critical Remarks upon
the

the unbecoming Stile, the false *French*, and the bad *English*, in which this Manifesto, and the Reasons, together with the Translation, are couch'd. The *French* seems evidently to have been written by one who never was in *France*, and who never could write nor speak that Language; and the *English* appears to be the Composition of one who never attempted any thing in writing above a Gazetteer.

After the Depredations, the Insults, and the Inhumanities committed by the *Spaniards* upon the Subjects of *Great Britain*, I believe there will not be found many Instances of so great Impudence as what is contain'd in the first Paragraph of this Manifesto.

“ Our Desire, says the Royal Author,
 “ to preserve the Tranquillity of *Europe*,
 “ and Peace in our own Dominions, has
 “ induc'd us for some Time past, to com-
 “ mit a kind of Violence on the Delicacy
 “ of our Honour, and *the Advantages of*
 “ *our Interests.*”

I shall not insist on the Ambiguity, if not Nonsense of the last Expression, but proceed to the second Paragraph, which runs as follows:

“ *England* (he ought to have said *Great Britain*)

“ *Britain*) agitated by domestic Divisions,
 “ has, perhaps without knowing them to
 “ be so unjust as they really are, carry’d
 “ on her Complaints so obstinately, that
 “ had not the Sincerity of our Dispositions
 “ been determin’d rather by the Weight
 “ of the above Consideration than of her
 “ Instances, these Disputes, with the
 “ strongest Provocation on our Side, must
 “ e’er now have proceeded to a fatal Rup-
 “ ture. The Answers we gave to her
 “ Ministers, and our Condescensions to
 “ her Proposals, such as admitting of the
 “ Regulation made at *London* of the mu-
 “ tual Demands, without regarding either
 “ the excessive Over-valuation of her
 “ Prizes, nor the undervaluing of ours
 “ only to obtain Peace by the moderate
 “ Means of dissembling this Advantage in
 “ Favour of that Crown, are so many
 “ evident Proofs of what we have ad-
 “ vanced. The rest of the Negotiation
 “ was on our Part consistent with so noble
 “ a Sincerity. The *English* Ministers
 “ reckon’d the Debt due to us by the
 “ *South-Sea-Company*, as making up a
 “ Part of the Payment of the Ballance
 “ due by us; and tho’ upon that Com-
 “ pany’s Refusal to pay it, we might have
 “ made Use of that Refusal as a Pretext
 “ to

“ to break the other Terms, yet they well
 “ know that we sent Orders to *Don*
 “ *Thomas Geraldino* to borrow ninety
 “ five thousand Pounds upon Interest, that
 “ we might fulfil our Engagements.

This Paragraph deserves the most serious Consideration. We here find that the Divisions subsisting in *England*, or in other Words, the Behaviour of the Party in Opposition to the Court, was the Reason why *England* blindly and ignorantly demanded Satisfaction from *Spain*, and consequently, why *Spain* would never be brought to grant it. There is no Man who has been ever so little conversant in public Affairs since this Convention was sign'd, who does not know that this was at that Time, and has ever since been, the Language of one Party. A very great Man was heard to say several times, *That tho' he thought the Convention was a just and solid Foundation for a Peace with Spain, yet when he saw the Opposition made to it, he despair'd of the Nation's having a Peace upon equal Terms.* Let any Man compare this Declaration with the Expression I have taken from the Manifesto, and he will find that both breath the same Spirit, and speak the same Language. An infamous Measure was enter'd into, and its
 Infamy

Infamy was expos'd by the honest well-meaning Part of the Nation. But tho' the Legislature, for good Reasons, did not think fit to subject it to any public Censure, yet the Minister was so conscious of its Inexpediency, and of its being absolutely against the Common-Sense of the Nation, that he was beforehand with his Opponents, and instead of imputing the Inefficacy of that Step to these Causes, he laid it upon those in the Opposition. The good Understanding that has always subsisted betwixt the *Britanic* and *Spanish* Ministers, would not suffer the latter to give their good Friend the Lie. Accordingly we find his *Catholic* Majesty telling the Nation; "Gentlemen, It is owing to
 " your own blind Obstinacy in opposing
 " your Ministry that I have not thought
 " your Demands just. Had your Ministers and mine alone decided the Differences betwixt us, all would have been
 " well: But as the People, who have no
 " Business in these Matters, have interested themselves, I think myself absolv'd from my Engagements." This is the plain and natural Tendency of what we have heard on this Subject, both in this Manifesto and elsewhere. And this Passage can be calculated for no other End than

than to serve as a Vindication of the Ministers of our *Court* from the Mouth of the Enemies of our *Country*.

The Mention that is made of the Exorbitancy of the *British*, and the Moderation of the *Spanish* Demands serves to the same Purpose, and is equally ridiculous. It is evident that a Concession to any exorbitant Demands of our Merchants was so far from being granted on the Part of *Spain*, that no less than a hundred and eighty five thousand Pound was struck off from the just Demands, besides there not being allow'd a Shilling for their Loss of Time, Interruption of Trade, and vast Expence of Sollicitations.

In the remaining Part of this Paragraph, together with great Encomiums on his Catholic Majesty's Justice, we find a very dangerous Secret blab'd out, *viz.* That the Ministry at the Court of *London* look'd upon the sixty eight thousand Pounds due to the King of *Spain* by the *South-Sea-Company*, as Part of the Money that was to be paid by *Spain* to our suffering Merchants. If this be true, the World may judge of the Sincerity of certain Gentlemen, who on all Occasions, and in all Places, both in Speeches and Writings, declar'd

clar'd that the Payment, or the not Payment of the sixty eight thousand Pounds was a separate Transaction from the ninety five thousand Pounds stipulated by the Convention; which was to be paid, whether the sixty eight thousand Pounds was allowed by the *South-Sea-Company* or not.

The next Paragraph proceeds in the following Terms, “ Immediately after
 “ the Convention was sign'd at the *Pardo*
 “ and ratified at *London*, we faithfully
 “ order'd our Squadrons to be laid up; we
 “ sent the Directions that were agreed on
 “ to *Florida*, and I fulfill'd all that was
 “ incumbent upon me. *England* observing
 “ a quite different Conduct, and doubtless
 “ repenting her calling home Admiral
 “ *Haddock's* Squadron from the *Mediterranean*,
 “ order'd it to be station'd at *Gibraltar*, a more proper Place for executing the Design, that by all outward
 “ Appearances was then in Agitation (and
 “ has been since actually discover'd) and
 “ in the mean Time sent off no Order
 “ to *Carolina*. The *British* King supported the Transactions of the *South-Sea-Company*, looking upon their Interests as the Concerns of his own Crown,
 “ whereas they were, before the Conclusion
 “ fion

“ fion of the Convention regarded only
 “ as a Matter of private Property.”

We have in this Paragraph another Piece of secret History, which is absolutely contradictory to the open Proteftations of the Miniftry here. For it is notorious, that when there was a Report, immediately after figning the Convention, of *Haddock's* being recall'd from the *Mediterranean*, and when certain Gentlemen were charg'd with this in Parliament, they abfolutely refus'd it. One Right Honourable Perfon in particular, who had the greateft Opportunities of knowing the moft important Secrets of that Tranfaction, affirming, *that he never heard of any fuch Design before he heard it mention'd in that Houfe.* We fhall therefore leave this Matter of Fact to be decided betwixt the Minifters of the two Crowns. But I cannot pafs over this Head without obferving, that either his *Catholic* Majefty is very impudent, or our Miniftry have been very imprudent. For if no Stipulation has been agreed upon that Admiral *Haddock's* Squadron fhould be recall'd, it is the moft grofs Imposition in the World, the higheft Indignity to his Majefty to infift on any fuch Stipulation. If on the other Hand, any

Promise of that kind was either implicitly or explicitly made by the Ministers of *Britain*, it proves them guilty of the highest Absurdity in Politics, and the most scandalous Breach of Trust. The Convention was no other than a *Preliminary* to a *definitive* Treaty, in which there was properly but one express Stipulation, *viz.* The Payment of the ninety five thousand Pounds, and even that Stipulation was then unfulfilled. How absurd therefore must it have been in our Ministry, if, upon the *Spaniards* barely condescending to treat upon *some Terms or other*, our Ministry had consented to recal and deprive themselves of the Means which the Nation had so generously furnish'd them, for treating upon *just and honourable Terms*. It must be own'd that the Convention was usher'd into the World with the same Pomp, the same Confidence, the same Air of Triumph, as if it had been a definitive Treaty on the most advantageous Foot to *Great Britain*. And so determin'd were certain Gentlemen to make its Stipulations as irrevocable as possible, that the Meeting of the Parliament was actually put off till the Ratifications should be exchange'd. Whether or not these Gentlemen were really

really convinc'd in their own Consciences that this Convention would answer all the just Ends that have been pointed out by the Parliament the Session before, or if they thought to have cramm'd it, *unexamined* and *uncensur'd*, down the Throats of an unsuspecting People, I cannot determine. But when one reflects upon the Dispositions and Behaviour of these Gentlemen at that Time, he may be tempted to imagine that all that vast Confidence of Success might have occasion'd some such Promise as what his *Catholic* Majesty seems to charge on our Ministry ; but for my own Part, I cannot believe it, till I see better Proof than a bare Assertion. As to his *Catholic* Majesty's owning the ninety five thousand Pounds to be paid at *London*, and borrow'd by *Don Thomas Geraldino* upon Interest, I have purposely reserv'd the Consideration of that Point to this Article. For if that Sum was to be paid only on the Consideration of our recalling *Haddock's* Squadron from the *Mediterranean*, his *Catholic* Majesty seems to have been in no Danger of being a Shilling out of Pocket. But if on the other Hand, the ninety five thousand Pounds was order'd *absolutely* and *unconditionally* to be paid, I cannot see

how the Ministry would have refused to accept of it without betraying the Interests of the Merchants. Be that as it will, the Event of this Non-payment is a full Justification of those who in their Opposition to the Convention discover'd a mean Opinion both of the King of *Spain's* Sincerity and our Minister's Abilities: For it appears upon the Face of this Manifesto, that one or other must be the Reason why the Nation has yet receiv'd no Satisfaction, and if either was, the Opposition to that Measure is fully justify'd.

The Expression of *the British King* is very extraordinary, and I believe unprecedented. During the late Wars, *Lewis XIV.* was always styl'd in *England* the *French King*, because the Titles of the King of *Britain* suppos'd another King of *France*; but his *Catholic Majesty* sure can have no such Reason in his Eye for this unusual Alteration in a known and usual Practice. As to what is insinuated about his Majesty looking upon the Rights of the *South-Sea-Company* as a Concern of his own Crown, it can only serve to raise the highest Indignation against those who were found so wicked as to represent the Observance of a solemn Treaty in any other
Light;

Light; but this Point will deserve some farther Considerations hereafter. Mean Time we shall proceed to the next Paragraph.

“ These Proofs of Inconsistency in
 “ their Intentions, oblig’d us in the Begin-
 “ ning of last *April* to declare by our first
 “ Secretary of State, and dispatches the
 “ Marquis *Villarias* to Mr. *Keen* Mini-
 “ ster, Plenipotentiary of the King of
 “ *Great Britain* at our Court, how much
 “ the Stay of Admiral *Haddock’s* Squa-
 “ dron at *Gibraltar* would render the
 “ whole Convention ineffectual, notwith-
 “ standing all the Securities that might be
 “ offer’d: And finding these Insinuations
 “ insufficient to check the Danger that
 “ threaten’d, we resolv’d that our Plene-
 “ potentiaries in their first Conferences
 “ with those of *Great Britain*, should in
 “ fuller Terms repeat this Declaration, in
 “ order to remove from ourselves all the
 “ Blame of the Stipulations being unfulfil-
 “ led. The Effects of so becoming a Con-
 “ duct were not such as might have been
 “ expected, but rather agreed with what
 “ *England* has observ’d, as we have already
 “ mention’d in Substance; which is, that
 “ Orders were given to Admiral *Haddock*

“ cruize with his Squadron between Cape
 “ St. *Vincent* and Cape St. *Mary*, to wait
 “ for and intercept the *Affogue* Ships; to
 “ publish Reprisals in indecent Terms at
 “ *London*, and actually to put them in
 “ Execution, as is evident from the au-
 “ thentic Depositions of those who have
 “ felt their Effects. As our great Pati-
 “ ence has been thus provok’d, and as it
 “ would be a Disgrace for us at present,
 “ to suffer our Power and Sovereignty to
 “ remain longer in our hitherto observ’d
 “ Inaction, we are determin’d, that Re-
 “ prisals shall in like manner be made in
 “ our Dominions and by our Subjects,
 “ wherever they shall meet with the Ships,
 “ Goods and Effects of the King or Sub-
 “ jects of *Great Britain*, they observing
 “ the Rules that shall be laid down in the
 “ circular Orders to be issued out for that
 “ Effect. And in order that this our Re-
 “ solution, and our powerful Induce-
 “ ments to the same may be made known
 “ to the World, we have thought proper
 “ to make it public in the foregoing Man-
 “ ner.” Given at *Ildefonso*, *August* the
 20th, 1739.

I the King
 Underneath

Don Sebastian de la Quadra.
 There

There needs but few Observations upon this Article, it having so great relation with the preceding. If any Promise was made that our Squadron was to return after the Convention was sign'd, and before any one Stipulation in it was fulfilled, his *Catholic Majesty* had all the Reason in the World to get rid of so troublesome Neighbours as soon as he could. But I can never believe but that this Promise is a Sham invented since to excuse their Breach of Faith; for when a Motion was made in Parliament that his Majesty should be address'd, that he would be graciously pleas'd to inform them if the ninety five thousand Pounds was paid, and if it was not paid, to know the Reasons of the Non-payment; I say, when this Motion was made, it is notorious that the House was inform'd by Authority of his Majesty, that the *Spaniards* had neither paid the Money, nor given any Reasons for their not paying it. Now if the *Spaniards* had so plausible a Pretext for not paying it, as an unfulfill'd Promise from us that Admiral *Haddock* should be recall'd from the *Mediterranean*, it is not to be suppos'd from any Principle of Common Sense, that they would have conceal'd it. On the other Hand, if they have

have that Reason for not paying the Money, we cannot without reflecting highly upon the Honour of his Majesty and his Ministry, suppose that they would have conceal'd so material an Information from the Parliament. Thus we see that we either have been dealing all along with a People who has the Insolence to impose upon us the most shameful Terms, and the Perfidy not to observe one Stipulation on her own Part, or we have been directed by a Ministry, who to cook up one poor, it can't be call'd annual, but monthly Expedient, have prostituted the Honour, betray'd the Interest, and impos'd upon the Sense of the Nation. The remaining Part of this Article is mere Form. His *Catholic* Majesty complaining of the indecent Stile of the Order for Reprisals at *London*, is rank *Spanish* Affectation, and his Order for Reprisals in all Parts of his Dominions, is no more than what has in some Parts of them been put in Practice these twenty Years.

We shall now proceed to consider what his Majesty is pleas'd to stile his Reasons for not paying the ninety five thousand Pounds, and proceed in the same Manner we have hitherto observ'd.

“ It

“ It ought to be suppos’d that this Con-
 “ vention is an Agreement to Obliga-
 “ tions which are reciprocal; and con-
 “ sequently that when either of the con-
 “ tracting Parties fails in the Execution,
 “ this Failure absolves the other from his
 “ Obligation to perform his Part, and the
 “ first who fails, furnishes the other with
 “ a Pretext to fail likewise: And it being
 “ naturally to be concluded, that *Great*
 “ *Britain* having been the first who fail’d,
 “ and contraven’d most of the Articles
 “ stipulated in the Convention, and those
 “ on which the signing of it was found-
 “ ed, it has furnish’d *Spain* likewise with
 “ Reasons not to execute her Part.”

His *Catholic* Majesty here argues very
 illogically. For he takes it for granted, that
 the *British* Court has contraven’d the
 Convention before he gives one Instance of
 it. In the next Place, according to his
 own Definition, he himself has contra-
 ven’d it, for all the Contraventions he has
 hitherto alledged, are Contraventions of
 Articles not stipulated in the Convention,
 such as the recalling Admiral *Haddock’s*
 Squadron, and the Non-payment of the
 sixty eight thousand Pounds; so that if the
 Convention alone is to be regarded, his

D

Catholic

Catholic Majesty is certainly the first Contravener, and according to his own Maxims, has furnish'd *England* with just Reasons for not observing it on her Part.

“ The first Contravention on the Part
 “ of *Great Britain* regards the Beginning
 “ of the Convention, where it is said,
That the two Kings having nothing so much
at Heart as to continue and to establish the
good Correspondence that has so happily subsisted
between them, have agreed by their Ministers
to labour incessantly to effectuate so
desirable an End. “ By Virtue of this reciprocal
 “ Disposition the *British Court*
 “ order'd her Squadron immediately to
 “ quit the *Mediterranean*, and *Spain* disarm'd
 “ her Fleet. But understanding
 “ that the Order from *London* had been
 “ countermanded, she began to suspect
 “ that the Clamour of the People, and of
 “ the Party in Opposition to the Minister,
 “ and prejudiced against the Convention,
 “ might have oblig'd the Court to desist
 “ from her Orders. Nothing is more contrary
 “ to the Continuance and Establishment
 “ of good Correspondence, than
 “ Distrust and maintaining a Squadron,
 “ not only at *Port-Mahon* where it was
 “ first station'd, but even at *Gibraltar* in
 “ the

“ the Center of the *Spanish* Coasts, where
 “ it has been considerably increas’d, and
 “ where it is only employ’d in interrupt-
 “ ing and distressing Trade, which may be
 “ look’d upon as one continued Hostility.”

The *Spanish* Court has no doubt very good Reason to quote the Preamble to the Convention: It is indeed a very strong Circumstance in their Favour; for if a *good Correspondence had happily subsisted* betwixt our Court and theirs to that Time, notwithstanding the many Insults and Injuries we sustain’d, it is very natural for *Spain* to presume that she had done nothing to interrupt *this good Correspondence*, because it can never be suppos’d that any Court would have been so tame as to sit under such Affronts, if it had not been conscious that either she or her Subjects had deserv’d them. So that by her way of reasoning, the sending a Squadron to the *Mediterranean* was both idle and unjust; and the recalling that Squadron, was only acting consistently with our profess’d Conduct and solemnly avow’d Sentiments. But unhappily for these pacific Dispositions, a Part in Opposition to the Ministry got these Orders recall’d. I imagine that Posterity, or even Foreigners at this Day will not be

able easily to comprehend, how it is possible that a Party in Opposition to the Ministers should have Interest enough to render ineffectual a Measure that had been supported by the concurrent Sentiments of both Houses of Parliament: I believe they will find it difficult to condescend upon the Time, when the Interest of the Court and those of the Minister were different: Therefore they must reason in this Manner; that either no such Promise was made of recalling Admiral *Haddock* from the *Mediterranean*, and that *Spain* is guilty of the most infamous Falshood; or they must conclude, that the Ministry here found the Sense of the collective Body of the Nation so strongly opposite to that of their Representatives, that they durst not fulfil the Engagements that had been enter'd into with *Spain*, tho' approv'd of by Parliament. There is indeed one Objection to his *Catholic* Majesty's Assertion, which is, that the Ministry of *Britain* by making such a Promise, only meant that Admiral *Haddock's* Squadron should leave the *Spanish* Coast, but did not intend that it should leave our own Ports of *Gibraltar* and *Port-Mahon*. If this was the Case, our Ministry have undoubtedly acted

acted very prudently, since it is evident that *Spain* from the beginning of this Negotiation, had laid it down as a Rule not to observe one Stipulation that she could elude. However it is to be wish'd, that his *Catholic* Majesty can give no other Proofs of a Promise on the Part of the *British* Ministry, than his own bare Assertion.

“ The second Contravention arises from
 “ the second Article, which imports that,
 “ immediately after the Convention was
 “ ratify'd, Orders should be dispatch'd to
 “ *Florida* and *Carolina*, that the new Settlements and Fortresses in *Carolina* and
 “ *Georgia* should remain in *Statu quo*,
 “ till the Plenipotentiaries of the two
 “ Powers shall have regulated their Boundaries. His *Catholic* Majesty on his
 “ Part, punctually fulfill'd his Engagements, while *Great Britain* delay'd
 “ their Execution for four Months, in
 “ order to give their Subjects Time to increase their Colonies, and to build their
 “ Fortifications. And even at present,
 “ there is no positive Proof that those
 “ Orders have been given, it appearing by a
 “ Letter from the Duke of *Newcastle*, that
 “ none were sent on the 27th of *March*.”

This Contravention, supposing it to be such,

such, is but trifling and inconsiderable. The Stipulation of sending Orders to the respective Officers, is no more but Matter of Form; all that is meant by it is, that nothing shall be done by either Party in violation of what is there stipulated. Now, unless his *Catholic* Majesty can prove that Things did not remain in *Carolina* and *Georgia* in the same Situation they were in, his Allegation is false and jesuitical.

“ But what renders this Contravention
 “ yet more remarkable is, that in the
 “ mean Time three Men of War, toge-
 “ ther with several Vessels carrying Troops
 “ and Warlike Stores, were sent to rein-
 “ force the Squadron at *Jamaica*. This
 “ Contravention is pretty much like that
 “ which happen’d in 1735 in *Florida*,
 “ where, instead of settling the Bounda-
 “ ries by the two Governors as had been
 “ stipulated, and leaving every thing in
 “ *Statu quo*, the *English* Governor conti-
 “ nued to extend his Plantations, and to
 “ commit Hostilities against the *Spaniards*
 “ and the *Indian* Vessels of his *Catholic*
 “ Majesty. It is likewise a great Resem-
 “ blance of what happen’d in the Year
 “ 1724, all of them public Contraven-
 “ tions

“ tions of Conventions and Treaties made
 “ with *Spain*.”

This Paragraph deserves still less Notice than the preceding. We have indeed behav'd towards *Spain* in so pusillanimous and so complaisant a Manner, that she has Reason to be surpriz'd at our sending so much as one Man of War to protect our own Coasts, without either her or *France's* Consent. As to the Contraventions made on the Part of *England* in the Years 1724, and 1735, they are entirely foreign to the present Purpose. And it is ridiculous in his *Catholic* Majesty's Ministers to mention them on this Occasion.

“ The third Contravention consists in
 “ this, that the Declaration of his *Catho-*
 “ *lic* Majesty being agreed upon as the
 “ only Means of surmounting so many
 “ disputable Points, the Terms of the
 “ said Declaration run as follow, That
 “ the said Convention may be sign'd, his
 “ *Catholic* Majesty doth formally declare,
 “ that he reserves to himself entire the
 “ Right to be able to suspend the Assiento
 “ of Negroes, and to dispatch the Orders
 “ necessary for the Execution thereof, in
 “ case the Company does not submit to pay
 “ within a short Term sixty eight thou-
 “ sand

“ sand Pounds, which it hath confess’d to
 “ owe for the Duty on Slaves, according
 “ to the Regulation of fifty two Pence
 “ per Dollar, and for the Profits of the
 “ Ship, the *Royal Carolina*; and that he
 “ doth likewise declare, that under the
 “ Validity and Force of the present Pro-
 “ test, the signing of the above Conven-
 “ tion should be proceeded upon and not
 “ otherways, because it is under this firm
 “ Supposition that his *Catholic* Majesty
 “ has consented to it. Nothing can be
 “ imagin’d more strong and express than
 “ this Declaration; and yet when the
 “ Conferences were open’d, the *English*
 “ Plenipotentiaries so little regarded it,
 “ that they contended to present a Memo-
 “ rial, demanding the Effects taken as
 “ Reprisals from the *Assiento* Company
 “ in the *Indies*, during the Years 1718
 “ and 1725, protesting that till the Ac-
 “ count was settled, no Payment of the
 “ sixty eight thousand Pounds should be
 “ made to his *Catholic* Majesty, altho’ it
 “ was a stated and allow’d Account: Pre-
 “ tending against all Justice to confound
 “ a liquidated Sum with one which was
 “ not so. His *Catholic* Majesty had of-
 “ fer’d two *Sedulas* for the Viceroy of
 “ *Peru*

“ *Peru and Mexico*, immediately to pay
 “ to the *Affiento-Company* what should
 “ be found lawfully due on account of the
 “ said Reprisals; and this was indeed all
 “ that could be granted. Whereas the
 “ sixty eight thousand Pounds was a set-
 “ tled, executive Debt, and payable in a
 “ short Time. It was the Basis and Foun-
 “ dation of the Convention, *a Condition*
 “ *that could not be eluded, under the Vali-*
 “ *dity of which, and no otherways, the*
 “ *Convention was sign’d*, as it is expressly
 “ mention’d in the Declaration concerted
 “ with *Mr. Keene*, and notify’d four Days
 “ before the Convention. Whence it fol-
 “ lows, that the *English* by their Conduct
 “ in eluding this Condition, have broken
 “ and annull’d the Substance and Vali-
 “ dity of the said Convention.”

It would be in vain, should we pretend
 to elude the Force of this Objection on
 the Part of *Spain*, by denying that this
 Protest had any relation to the Conven-
 tion. It is but too true that our Plenipo-
 tentiary, by agreeing to accept of and
 transmit this Protest to his own Court, and
 to the *South-Sea-Company*, implicitly ac-
 knowledg’d its Validity. This was often
 urg’d in the Debates that happen’d upon

the Convention, and those who disapprov'd of that Measure, actually foretold that *Spain* would make Use of the very Words contain'd in this Article. So that I shall not examine into the Justness of the Contravention itself, but consider how consistently the Gentlemen, who have been entrusted with the Rights of this Nation, have acted.

Mr. *Keene* was not only Minister from the Court of *Britain*, but Agent for the *South-Sea-Company*; and every Transaction of either of these Functions ought to have been as distinct from the other as possible. But so little does he seem to have understood this, that he has suffer'd a public Measure of the one to be interwoven with, and absolutely determin'd by a private Transaction of the other. For it appears that the Protest of the King of *Spain* was no separate Transaction from the Convention, because it is said that *the ABOVE Convention shall be proceeded upon, &c.* So that it is evident that Mr. *Keene*, by accepting of this Protest in quality of Agent for the *South-Sea-Company*, did a Thing which he ought in quality of a Plenipotentiary to have strongly protested against: And if at the Time of this Protest's being enter'd

enter'd by *Don Sebastian*, he had taken this Method, he must in a great Measure have been acquitted from the Charge that now lyes against him. For no Minister is to blame for any Protest that the Minister of another Power shall make, but he is to blame, if by accepting that Protest without entering any Counter-Protest, he tacitely acknowledges the Irritancy of the whole Transaction, in case the Terms of the first Protest are not fulfilled. This was evidently the Case with Mr. *Keene*; As Agent from the *South-Sea-Company*, he was to receive every Paper or Proposal from the Court of *Spain*, that affected the Concerns of the Company. He was oblig'd even to transmit that Paper to the Company; but at the same Time, as a public Minister, he ought to have protested, that the Interests of *Britain* were not to suffer from any Misunderstanding betwixt the King of *Spain* and the *South-Sea-Company*. But his Conduct appears to have been the Reverse of this in every Point. It appears, that he admitted the sixty eight thousand Pounds to be a Debt owing absolutely by the *South-Sea-Company* to the King of *Spain*, tho' it never was own'd as due by them, but conditionally, which Condi-

ons never were fulfill'd on the Part of *Spain*. It appears that he did not, as he ought to have done, consider the *South-Sea-Company* as the principal Party concern'd in this Transaction, but transmitted to his Court the *original* Declaration, and to the *South-Sea-Company* only a *Copy* of it, which is the same Thing as if he had told the Nation that the Court was to make an Invasion upon private Property, in case they expected to obtain any Terms, even the most scandalous, from *Spain*.

If we are to judge of this Proceeding both on the Part of *Spain* and our Ministers, by the Rules of common Equity, there never was any thing more iniquitous. *Spain*, in Consequence of an arbitrary Alteration in her Coin, demand that the Ballance betwixt the Species of Money, according to the Valuation it bore when the Affiento-Contract was made, and that which it bore when this arbitrary Alteration was made, should be paid in by the *South-Sea-Company* to the King of *Spain*, with a Retrospect to those Years wherein it had been paid, without any Regard being had to such Alteration. At the same Time, she insisted that the Profits upon the Ship, the Royal *Caroline*, should be accounted

counted for and paid, when the King of *Spain* was confessedly indebted to them for Sums upwards of five times that Value. Nothing, I say, could be so obviously repugnant to all the Rules of Equity, than both these Demands; yet so fond was our Minister of entering into a Negotiation, tho' upon the most scandalous Terms, that he admitted of both Claims in the Manner we have already seen. But as no Authority from the *South-Sea-Company* can be produc'd for any such Concession, it can be look'd upon by the World in no other Light than as an unauthoritative Proceeding, for which neither the Nation nor the Company are to suffer. The Minister alone, or those who gave him his Instructions, are answerable for it; and there are many Instances upon Record, where a Court or People have refus'd to fulfil the Engagements of a Minister when they were enter'd into, without any Authority from, or against the Intentions of, his Constituents. This whole Transaction ought to be view'd only in this Light; for if we should suppose that Mr. *Keene* was authoriz'd by the *South-Sea-Company* to make any such Concession; or that he had Instructions from his own Court to accept
of

of this Protest in the Manner we find he did, there is no doubt, but that the *Spanish Reasoning* in the Manifesto is just and conclusive.

When the Conferences were open'd, the *English Plenipotentiaries* were in the Right to insist upon the Debt due to the *Affiento-Company* by *Spain*. But it would have prevented a great deal of Dispute, had they enter'd a Protest in Favour of the *South-Sea-Company* relating to this Debt, at the same Time *Don Sebastian* enter'd his. The one Debt, by what I can understand, was just as liquidate as the other, and ought to have been at least as *executive*; and in this Case the Court of *Spain* must have been glad to have wav'd insisting on the Payment of the sixty eight thousand Pounds, provided our Ministers had taken Care to have conceiv'd their Protest in as strong Terms as that of *Spain* was. We are indeed told, in the *Spanish Reasons* we are now considering, that his *Catholic Majesty* offer'd two *Cedulas* upon the Viceroy's of *Mexico* and *Peru*, for the immediate Payment of what should be found legally due. But no body is at this Time ignorant how ineffectual these *Cedulas* are. They occasion sometimes
more

more Expences and more Trouble than even the Subject amounts to; nor, I believe, was there ever any Instance of their answering the Design for which they were procur'd. And indeed, considering the Nature of the *Spanish* Government and their Genius, it is impossible it should be otherways. The Plaintiff is subjected in his Suit to a thousand Formalities and Impertinencies; the Case must be tediously review'd, and every Circumstance weigh'd. If the least Difficulty occurs, or the most frivolous Objection is started, the Viceroy, whose Interest it is to perplex Matters as much as possible, refuses to proceed one Step farther till he receives Advice from *Old Spain*. This occasions a Delay of six Months; and perhaps when the whole is ended, the Plaintiff is adjudg'd a Sum not equal to the necessary Expences he has laid out in the Sollicitation. Besides, the Words *legally due* imply, that the Determination shall be according to the Forms of the *Spanish* Court of Justice, where the Judges are the Parties concern'd, and must, in Case any Balance is found due, refund it out of their own Pockets.

“ The same Pretence of the *English*,
 “ includes another Contravention; for by
 “ the

“ the second separate Article, this Affair
 “ ought not to be debated in the Nego-
 “ tiations, but in separate Conferences.”

This Paragraph is wholly unintelligible, if not false: For the second separate Article of the Convention has nothing in it that is applicable to the Debt due to the *South-Sea-Company*, and nothing in it that can serve for the least Foundation to any Pretences of *England*; nor is there one Word in the whole about separate Conferences or Negotiations.

“ The fourth Contravention is in Con-
 “ sequence of the former. The *English*
 “ Plenipotentiaries insisted to have it de-
 “ clar’d, that the King had no Power to
 “ suspend the Assiento-Contract, it being
 “ a national Treaty, tho’ the contrary was
 “ expressly affirm’d in the above-mention’d
 “ Declaration, upon the Validity of which
 “ the Convention itself depends. Must
 “ not this convince every body that the
 “ *English* Ministry, instead of obliging
 “ the Company to pay to the King the
 “ sixty eight thousand Pounds, endeavours
 “ to elude the Payment by Methods in-
 “ consistent with the Convention and De-
 “ claration, and want to oblige the King
 “ to pay himself out of other Funds,
 “ and

“and that they have thereby undermin’d
 “ the very Foundation of the Conven-
 “ tion.”

The Protest of Monsieur *De la Quadra* is of no small Use to his *Catholic* Majesty upon this Occasion. By Virtue of it he not only has found Means to elude the Payment of the ninety five thousand Pounds, but he has found the Means of cancelling a solemn national Treaty. Notwithstanding his *Catholic* Majesty had in his own Hands Sums confessedly due to the *South-Sea-Company*, amounting to three times the Sum mention’d in the Protest as due to him, yet he must be paid the sixty eight thousand Pounds, otherwise the Convention, is not only at an end, but the *Affiento* Treaty lies at his Mercy. The Insolence of this Claim is beyond all Expression, nor is it possible to conceive any Thing more absurd. The *Spanish* Ministry durst never have ventur’d upon it, had they not been encourag’d by a long Experience of our Weakness, and the repeated shameful Concessions we have made in their Favour. The *Affiento* Treaty can be set aside by no Contravention of the *South-Sea-Company*, unless that Contravention is supported by the Govern-
 F ment

ment of *England*, and the very accepting a Paper wherein such a Claim was made, is what no Minister unsupported by an *all engrossing* Power at home, can be answerable for to his Country. There are certain Acts of Insolence that are sufficient Reason for discontinuing all future Amity with a Court till Satisfaction is given; and if ever there was a Time in which such a Conduct was proper, it was proper for us at that Juncture.

“ The fifth Contravention is their having directly demanded of the King the
 “ Restitution of an *English* Ship taken
 “ since the Ratification of the Convention, thereby evading the second separate Article, which stipulates that all
 “ Subjects of Disputes that shall happen
 “ after the Ratification, shall be referr’d
 “ to the Plenipotentiaries in their Conferences.”

Nothing can give one a plainer Idea of the ruinous Effects of the Convention, than this very Article. We saw *British* Ships taken in Defiance of all Laws and Treaties, and navigated in the most unexceptionable Manner. A Sum of Money not amounting to the fourth of the Value of these Ships is to be paid by *Spain* for
 what

what has happen'd, and a Convention is made to regulate what is to come. What was it to regulate? To be sure the Manner of the Navigation of *British* Vessels: This plainly implys that there is somewhat amiss as to the present Manner in which the *British* Navigation is carry'd on in that Sea. But how is any *British* Subject in the mean Time, that is during eight Months, to know, let his Caution be ever so great, whether he is not liable to Confiscation? For it is plain, there is somewhat doubtful. Therefore no Man of Common Sense, during that Time, will venture one Shillings-worth of Effects on board a *British* Ship in those Seas, there being nothing more plain than that the *Spaniards* may very fairly seize them. They have nothing to fear. If it shall be found they have acted wrong, they have only to repay about one fourth of the Value; and if the Plenipotentiaries shall find they have been in the Right, all is their own. So that on the whole, the Convention was an absolute Permission for the *Spaniards* to plunder and rob us during eight Months. The Reader need only cast his Eyes upon the above Article to be convinc'd of this. An *English* Ship is

taken by the *Spaniards* against all colour of Justice, and when Satisfaction is demanded, the *Spaniards* tell us that we can, by the Convention, have none till the Plenipotentiaries shall examine into the Legality of the Capture, which cannot be sooner than in eight Months. Not to insist upon the Absurdity of empowering any Plenipotentiaries to judge what are, or what are not the Rights of a free People, is it to be imagin'd that a *Spaniard* and an *English* Plenipotentiary, if the latter is an honest Man, can be of the same Sentiments with Regard to Matters of Property? Have we not had then Experience of two hundred Years to convince us they cannot? If they cannot, what becomes of the Satisfaction which the Owners of the Capture is to have from the Plenipotentiaries?

“ The sixth Contravention consists in
 “ its being agreed, that the Instructions
 “ for the Plenipotentiaries should be sent
 “ in six Weeks, and it was eight before
 “ *England* sent any to hers.”

This is so trifling that no Answer need be made to it, and indeed no Answer can properly be given, but by those who were charg'd with issuing these Instructions out.

“ Amongst

" Amongst other Things mention'd
 " here, it may be proper to take Notice
 " of the Distrust which the *English* Mi-
 " nistry has express'd towards his Majesty,
 " tho' his Majesty has given a fine Ex-
 " ample of Confidence in the fourth Ar-
 " ticle of the Convention, in which an
 " Estimation being made of upwards of
 " six or seven Vessels, and their Value
 " compriz'd in the ninety eight thousand
 " Pounds, it is there said: That the King
 " having order'd Restitution to be made in
 " the *Indies* for these Ships, if it should
 " happen that in Consequence of these
 " Orders, a Part, or the Whole, was re-
 " stor'd, the Sums thus paid should be de-
 " duc'd out of the ninety five thousand
 " Pounds. As this last Sum was to be
 " paid in the Terms of four Months, it
 " follows that his *Catholic* Majesty left
 " the Account of these Ships to the Dis-
 " posal of his *Britanic* Majesty, without
 " taking any Security for the Payment,
 " and entrusted the Value of them to the
 " Generosity and Discretion of that Mo-
 " narch, without fixing any Term."

Nothing can be more ridiculous than
 this Article; every body knows very well
 that his *Catholic* Majesty could have Ad-
 vice

vice from the *West-Indies*, whether Re-stitution was made for these Ships or not, sooner than the Term of the Payment of the ninety five thousand Pounds commenced. Therefore there is not the least Ground for supposing that his *Catholic* Majesty had trusted any thing to the Generosity of *Britain*. If the Money was paid in the *Indies*, *Don Thomas* had nothing to do but to stop out of the ninety five thousand Pounds as much as the Money already paid amounted to. Besides, the *Spanish* Ministers know very well, that not one Shilling either had been, or would ever be paid in the *West-Indies*. But granting it had, the whole Sum, according as it was liquidated by the subtracting Pen of our Commissaries, could be no more than what every rich Merchant, every Day gives Credit for to his Correspondent. But we shall leave this Trifling, and enter into a Point of more Importance, and indeed the only one that ought now to be consider'd betwixt us and *Spain*.

“ The seventh Contravention is the
 “ Pretensions of the *English*, who insist
 “ upon a free Navigation in the *American*
 “ Seas; claiming it by the Laws of Na-
 “ tions, by Treaties, and by the fifteenth
 “ Arti-

“ Article of the Treaty of 1670. This
 “ is a plain Infraction of the first Ar-
 “ ticle of the Convention, where it is
 “ expressly stipulated, that the respective
 “ Pretensions of the two Crowns shall be
 “ regulated according to the Treaties
 “ which are there specify'd. Instead of
 “ that, a disputable Claim is here insisted
 “ upon as a clear and uncontestable Right,
 “ to decide which, all these Treaties must
 “ be review'd and maturely examin'd, by
 “ comparing them together, that their
 “ true Sense may be found out, and not
 “ that partial Sense which every Party af-
 “ fixes to them as best suits their Interests.”

Reparation for past Injuries from the
Spaniards, was no doubt extreamly to be
 wish'd for, but that Reparation was but a
 poor Consideration when put in the Ba-
 lance with our future Security from Insults
 and Infractions of Treaties. For this
 Reason the Parliament of *Britain*, without
 determining the Method in which our
 Merchants were to be redress'd, found by
 their Resolutions what their clear and un-
 doubted Rights of Navigation in the *Ame-
 rican* Seas were. They found that they
 consisted in the very Reverse of all that is
 here insisted on by *Spain*, and their Reso-
 lutions

lutions upon this Head ought to have been regarded prior to all other Considerations whatsoever. Nor ought any Plenipotentiary to have accepted of Instructions that referr'd to a future Decision, those Rights which the Parliament of *Britain* had already found to be just and inherent to the Nation. By such a Conduct, they assum'd to themselves a Superiority of Judgment over the Parliament, and by pretending to explain Treaties already canvass'd by the Parliament, they committed the greatest Indignity to the Sense of the Nation that can be imagin'd. But at the same Time it must be own'd, that after our Government had by a solemn Act submitted the Sense of these Treaties to the Decision of Plenipotentiaries, the *Spaniards* had very good Reason to insist upon the fulfilling of this Article. Because tho' the Sense of Parliament ought to have been a Direction to our Court, it cannot be presum'd to have any Influence with that of *Spain*. However, as the Convention is now at an end, and as the Arguments contain'd in this Manifesto and Reasons are probably those which their Plenipotentiaries would have made Use of when that Affair came under their Cognisance

fance, we shall consider it as a Point actually in Dependance at present.

“ This was the provisional Answer
 “ which the King made to the Memo-
 “ rials which the *English* Ministers gave
 “ in *February* 19; and he could give no
 “ other, having referr’d the Decision of
 “ all Points of Navigation and Commerce
 “ to his Plenipotentiaries. The *British*
 “ Minister there insisted upon a free Navi-
 “ gation, and demanded that it should not
 “ be interrupted during the Conferences
 “ by the *Spanish Guarda Costas*. The
 “ King said, *That it should not be inter-*
 “ *rupted in Defiance of Treaties.* *Eng-*
 “ *land*, without regarding the Convention,
 “ peremptorily demanded that without any
 “ such Examination, *her Navigation*
 “ *should be free in all the American Seas,*
 “ where she has no other free Navigation
 “ according to Treaties, but the Liberty
 “ of passing and repassing to her own
 “ Colonies, according to what is stipulated
 “ with the States General: And this is
 “ exactly what the States General have
 “ demanded in all their Resolutions. As
 “ this is the material Point, it may be
 “ proper to explain it clearly and distinct-
 “ ly.”

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This

This Paragraph, if true, furnishes us with a strong Argument against the Convention, for nothing could be more contrary to the Stipulation contain'd in the Convention, than such a Demand by the *British* Ministers. By the Convention, all the Treaties that regulate our Navigation in the *American* Seas are referr'd to a future Discussion, but according to our Ministers Memorials they must receive an immediate Sanction, and that too according to the Meaning affix'd to them by the *British* Nation. This, tho' extreamly proper in itself, would have come with a much better Grace from our Ministers before the Convention was concluded. It is evident by the latter Part of the second separate Article, that there is a Power reserv'd to the Plenipotentiaries of determining those Cases in which a *British* Ship may, or may not be liable to Confiscation, and by the former Part of the same Article, we find that the Makers of the Convention were not quite sure, but that a Ship sailing from one of our own Colonies, and taken in the open Seas, without the least Pretext of being concern'd in an illicit Trade, may be a lawful Capture; so that nothing could be more inconsistent than this Article is, with

with the Claim afterwards made by our Plenipotentiaries.

“ The eighth Article of the Treaty of
 “ *Utrecht* imports, that the *English* Navi-
 “ gation in *America* shall remain on the
 “ same Foot it was in during the Reign
 “ of *Charles II.* It is certain that in that
 “ Reign the fundamental Laws of the
 “ Kingdom prohibited all Strangers from
 “ entering into, or trading with the *Span-
 “ nish West-Indies*: By the same Article,
 “ *Queen Anne* obliges herself to observe,
 “ and even to guarantee those fundamental
 “ Laws; so far was she from pretending
 “ to any thing, by a free Navigation, but
 “ the Liberty of her Subjects going to,
 “ and returning from their own Colonies.
 “ This was all that these Laws permitted,
 “ and all that was practised under *Charles*
 “ *II.* The same *Queen* oblig’d herself
 “ to observe and guarantee the Bounda-
 “ ries fix’d at that Time, and even to re-
 “ store such of them as should be found
 “ to have been encroach’d upon, to their
 “ ancient Footing, all which has never yet
 “ been done; and from thence proceed
 “ the present Disputes about new Colo-
 “ nies, by removing Frontiers, usurping

“ Territories, and even invading whole
 “ Islands.”

The Court of *Spain* is certainly in the Right in one Part of this Paragraph. Neither the Parliament nor the Nation of *Britain*, ever pretended to any Privileges of Navigation in *America*, farther than those stipulated by the Treaty of *Utrecht*, and those Treaties therein confirmed. The Right of Navigating, unmolested to, and from, our own Colonies in *America*, is the Sum of all the Resolutions presented by the Parliament to his Majesty on that Head; but the Point of Dispute betwixt *Spain* and us, lyes in her pretending to restrict the navigation of our Vessels to a certain Course; whereas we insist, and justly to, that it is impossible for any Master of a Vessel to observe such a Course as sometimes not to be oblig'd to sail within what they call their Latitude, and even sometimes to make their Coasts. Consequently, that the Freedom of Navigation is destroy'd by their seizing any Ships not actually trading in their Ports and Harbours. As to what is advanc'd in the latter Part of the last Paragraph, it has no relation to the present Question.

“ What is now advanc'd is prov'd by
 “ the

“ the Stipulation with the States Gene-
 “ ral in the 31st Article of the Treaty
 “ of *Utretcht*, in 1714. There his *Ca-*
 “ *tholic* Majesty oblig’d himself to re-esta-
 “ blish and maintain the Navigation and
 “ Trade in the same *Spanish Indies*, agree-
 “ able to the same fundamental Laws of
 “ *Spain*, which absolutely exclude all
 “ foreign Nations from entering into, or
 “ trading with them, both these being
 “ reserv’d to the *Spaniards* alone: And
 “ the States General likewise promise to
 “ assist his *Catholic* Majesty in enforcing
 “ the Observance of this Article. In for-
 “ mer Treaties with them, it is only sti-
 “ pulated that they should have a free
 “ Navigation to their own Colonies, and
 “ not to those Seas inclos’d and compre-
 “ hended by the *Spanish* Dominions,
 “ which form the *Spanish Indies*, from
 “ which the Treaties very justly exclude
 “ their entering into, and trading with.
 “ For as both these are prohibited in Ports
 “ and Harbours, and as they have no Co-
 “ lonies, the Situation of which requires
 “ their sailing thro’ these Seas, the pre-
 “ tended Liberty of Navigating there,
 “ tends only to encrease the illicit Com-
 “ merce, which the *English* have long car-
 “ ry’d

“ ry’d on; a Commerce already too great,
 “ since they themselves own it brings
 “ them yearly many Millions; a Com-
 “ merce contrary to all the Rules of Equi-
 “ ty, prejudicial to the Trade, allow’d and
 “ common to all Nations, and in short,
 “ ruinous to his *Catholic* Majesty’s Domi-
 “ nions.”

This Paragraph is partly answer’d al-
 ready; we never disputed any Facts con-
 tain’d in it, tho’ they here happen to be
 very wrong apply’d. For if the *Spanish*
 Reasoning is good on their Side of the
 Question, that because we have no Colo-
 nies to or from which we are to sail, near
 to their Dominions, it holds equally good
 for us if the contrary of this is true.
 That it is true, has not only been prov’d
 at the Bar of both Houses of Parliament,
 but is evident to any Man who looks into
 a Map of *America*, and considers the Si-
 tuation of the *Spanish* and *British* Colo-
 nies there. If the *English* carry on any
 illicit Trade in the *Spanish West-Indies*, it
 is not by any Allowance from our Go-
 vernment; and if such a Trade is attended
 with Impunity, the *Spanish* Governors
 alone are to blame for their Corruption,
 and Connivance at it.

“ It

“ It is surprizing that such a Demand
 “ should be made by the *English*, who
 “ imagine to themselves that they can pre-
 “ tend to, and arrogate even in the Middle
 “ of *Europe*, the Supream Dominion of
 “ the Ocean, tho’ it is common to all the
 “ Sovereigns whose Dominions it washes;
 “ and under Colour of its being, as they
 “ call it, the *Britannic* Sea, they exact that
 “ not only the Ships of all other Nations
 “ should strike their Flag to them on the
 “ said Seas, but assume a Power of grant-
 “ ing Permission for them to fish in it, and
 “ making them pay for that Liberty.
 “ How can they who form Pretensions so
 “ ill grounded upon the *European* Seas,
 “ which are only in common to them,
 “ with other Nations complain, when the
 “ *Spaniards* do nothing in *America* but
 “ refuse to abandon the Seas, the Coasts
 “ of which they alone possess, to an arbi-
 “ trary Navigation, without taking just
 “ Precautions against a contraband and
 “ illicit Trade carry’d on in the *Spanish*
 “ Dominions, the sole Object of this
 “ Navigation?”

This Paragraph betrays an equal Mea-
 sure of Ignorance and Weakness. No
 body is so little acquainted with the Hi-
 story

story of *Europe*, as not to know that the
English pretend to no Sovereignty in the
European Seas, but what is warranted by
 Treaties or the Law of Nations. But the
Spanish Advocates have long insisted upon
 one Argument which is here hinted at.
 They say that they pretend to do no
 more in *America* than all Nations, even
 the *English* do in *Europe*; and that is to
 secure their own Coasts against carrying
 on a clandestine Trade. But this is a
 gross Mistake, for all Nations in *Europe*
 have a mutual Intercourse of Trade, with
 the Prohibition of certain Commodities,
 therefore every Nation has a Right to take
 Care that these Commodities shall never
 be exported nor imported, and their coast-
 ing Vessels have a Right to visit every Ship
 they suspect to have such Commodities on
 Board. Besides, there are certain By-laws
 of Navigation, which, for the better En-
 couragement of our Shipping and Sailors,
 are absolutely to be comply'd with. But
 the Case is far different with Regard to
America. There, no Nation whatso-
 ever (setting aside the *South-Sea-Trade*)
 can have any Intercourse with one an-
 others Settlements; consequently it can ne-
 ver be presum'd, that they can have on
 Board

Board Commodities that are prohibited to be exported into these Settlements. In *America*, if a Ship of another Nation, without suffering Stress of Weather, or for some other evident Cause, is found in a *Spanish* Port, her very being there subjects her to Confiscation. Nay, tho' it has often happen'd that *British* Ships have been forc'd by some Accident or other to put into *Spanish* Ports there, and have been confiscated, yet our Government has alwise been so averse to encourage any Pretex-
 ts, be they ever so just, for our Ships to put into *Spanish* Harbours, that we never heard of a Ship, confiscated in these Circumstances, being publickly reclaim'd. So that, in effect, if the Court of *Spain* takes care to be honestly serv'd by her Officers, it is next to impossible that she should suffer by clandestine Trade.

“ What has been said above, is farther
 “ prov'd by the 15th Article of the
 “ Treaty 1670, which they quote; for
 “ in the Beginning of that Article it is
 “ said, *That each of the contracting Par-*
 “ *ties shall have and retain the Lordship of*
 “ *the Narrow Seas, and the fresh Waters*
 “ *in America belonging to them.* Then
 “ all Seas are not free, and there are some

H

“ real

“ real Lordships which their Sovereigns
 “ ought to enjoy exclusively of all others.
 “ Consequently, the Words, Free Naviga-
 “ tion, ought to be understood in no other
 “ Sense than as it is limited at the End
 “ of the same Article; viz. when nothing
 “ is committed contrary to the natural
 “ Sense and Disposition of the foregoing
 “ Articles. And as the eighth Article pro-
 “ hibits the Subjects of either of the two
 “ contracting Powers to sail to, or trade in
 “ the Dominions of the other in the said
 “ *Western-Indies*, it then follows, that the
 “ said Free Navigation is restricted to the
 “ Territories belonging to one or other of
 “ the two Kings, and that the Treaty
 “ excludes all Navigation and Commerce
 “ in the Dominions and Seas of the
 “ other.”

All that *Spain* can make of the 15th
 Article of the Treaty 1670 is, that she
 has a Right to the Lordship of the Narrow
 Seas belonging to her own Territories.
 This, if any thing, she must mean by
 bringing this Article in her own Favour.
 But her having the Lordship of certain
 Narrow Seas, will never justify her claim-
 ing an exclusive Sovereignty of all the
American Ocean, unless she, as she cer-
 tainly

tainly does, pretend that the whole *American* Ocean is no other than the Narrow Seas of the *Spanish West-Indies*. Besides, it is a ridiculous Inference that she brings by supposing that the possessing a Lordship, or the Sovereignty of a Sea, gives her a Right to possess it exclusive of all other Nations.

“ This is the literal, natural, and true
 “ Sense of these Treaties, and this is what
 “ is intended by the Words *Free Navigation*. As often as *England* shall get
 “ them examin’d by her Minister in Con-
 “ junction with those of *Spain*, as it was
 “ agreed by the Convention that they
 “ should, she will find that she has no just
 “ Grounds of Complaint, or of granting
 “ Letters of Reprisal, which ought to be
 “ founded upon a Denial of Justice.
 “ And since she has infring’d all the Arti-
 “ cles of the Convention, and as she has
 “ set the Example to the King of *Spain*,
 “ who would not have sign’d it but under
 “ the express Terms of the above-menti-
 “ on’d Declaration, and the Protests therein
 “ contain’d, the Denial of Justice can-
 “ not be imputed to *Spain* but to *Eng-*
 “ *land*, who by her posterior Contraven-
 “ tions above express’d, has eluded and
 H 2 “ annull’d

“ annull’d the Convention, from which,
 “ notwithstanding the above Contraven-
 “ tions, neither of the Parties can depart,
 “ because it being form’d by a common
 “ Consent, the same is requir’d to dissolve
 “ it.”

There is something pretty remarkable towards the Beginning of this Paragraph. His *Catholic* Majesty’s Ministers could not be ignorant, that the Parliament of *Great Britain* had already determin’d the true Sense of these Treaties, yet we find them very modestly asserting here, that their Plenipotentiaries and ours together (were the Matter to be left to them) would find in them a quite different Sense. I believe very few People at this Time doubt of that Truth; we have seen many Instances to confirm it.

Spain says very just y, that Letters of Reprisal ought to be founded on a Denial of Justice. But there is somewhat surprizingly absurd in the Induction of Reasoning that is drawn from this. The *Spaniards* suppose, that before the Convention was concluded, the *English* and they were perfect good Friends, without reflecting that the Convention, which according to themselves is but a conditional

Stipu-

Stipulation, being broken, no Matter by which Party, Things return to the same State they were in before it was made. Now, I believe no body, not the *Spaniards* themselves, can doubt that Justice was deny'd, or unreasonably delay'd; for that too is a good Foundation for granting Letters of Reprisal. Even the *Spaniards* themselves cannot accuse *Britain* of any Injustice in taking this Step; she herself furnish'd the Handle, for she before-hand expressly declar'd the Convention *ipso facto* void upon the Terms of her Protest not being fulfilled: These Terms were not fulfilled by *England*, and consequently the Convention was *as if it never had been*. *Spain*, at the same Time, by that very Convention, own'd that she had wrong'd *Great Britain*, who had long born her Insults, and suffer'd her Injuries to pass unreveng'd. What is to follow next? *Great Britain* is to throw her Eye back upon that Stipulation in the *American Treaty*, by which, in case of an absolute Denial, or unreasonable Delay, of Justice, she has Right to grant Reprisals. Hence it is evident, that the *insolent Exorbitancy* of *Spain* gave *Britain* a just Handle for acting as she has done. The same *insolent*

lent Exorbitancy, had our Ministers had Sense enough to know their own Interest, might have justify'd our Government to all the World, by breaking with her immediately when they found the Convention against the Sense of the Nation. Whereas, by truckling to it, by soothing the *Spaniards* into a Belief that it was to be gratified, and afterwards by palliating, vindicating and disguising it at home, they let the Nation plainly see that it was not owing to them, if the *Spaniards* were not gratify'd in every Instance. In short, this *insolent Exorbitant* has sav'd *Great Britain*, for this very Paper of *Spain* is a Proof, that had our Navigation and Property in the *West-Indies* been left to the Arbitration of these worthy Plenipotentiaries, we must have had a Peace absolutely contradictory to the Sense of Parliament, and destructive to the Interests of the Nation.

“ *England* had likewise as few Motives
 “ for ordering her Plenipotentiaries to
 “ break off the Conferences as they did,
 “ by their Memorial of the 9th of *July*.
 “ She likewise had no Reason for making these Armaments, nor for urging her
 “ Neighbours to arm in her Behalf, or
 “ soliciting them to be ready at all Events.

“ Because

“ Because the States, whose Territories
 “ join with her Neighbours, seeing such
 “ unseasonable and unnecessary Prepara-
 “ tions going forward, would proceed to
 “ regulate themselves by their Example,
 “ and, on their Parts, to take the necessary
 “ Precautions, tho’ to the infallible Distur-
 “ bance of the public Tranquillity. In
 “ this Event, the bad Consequences are to
 “ be attributed to those who persuade,
 “ and those who suffer themselves to be
 “ persuaded. The only View of *Eng-*
 “ *land* is to maintain and preserve, by
 “ Means of her own and her Neighbours
 “ Arms, the unjust Usurpations of the
 “ Islands and Territories, which, in Breach
 “ of the Treaties of *Utretcht*, she has
 “ invaded; and to support herself in that
 “ clandestine Trade which she practises
 “ in Prejudice of the lawful Commerce
 “ of the Allies of *Spain*; whereas, that
 “ Crown seeks only to defend her Ho-
 “ nour against the Calumnies with which
 “ she is attacked, and to preserve the Inte-
 “ rests of her self and her Allies, by
 “ scrupulously adhering to Treaties, nei-
 “ ther offending nor insulting any Nation,
 “ and seeing with Concern the Attacks
 “ which *England* has made upon the
 “ Peace

“Peace and Tranquillity of the Public.”

All this Paragraph tends to coax the *French* and the *Dutch* that they may remain neutral in this Quarrel; but the Daubing is too coarse. What Engagements the *French* may have with *Spain* is yet unknown to the Public; but it is impossible she can have any Pretences from the Conduct of *Britain* to side with her in this Quarrel. The Interest of *Britain*, of *France*, and of *Holland*, with Regard to the *American* Commerce, and compar'd to those of *Spain*, are the same; the same mutual Prohibitions subsist thro' all their Treaties with *Spain*, nor is there one Reason advanc'd on the Part of *Spain* against the free Navigation of the *English* in *America*, which is not equally applicable against that of the *French*, the *Dutch*, the *Danes*, and every Nation who has Possessions in *America*.

But there is nothing more evident than that, were the other Nations of *Europe* to claim, as the *Spaniards* do, a Right of searching Ships upon the open Seas, not one of them could live at Peace with another. Nay, tho' we were to suppose that they proceeded to Confiscation only upon their finding in the Ship thus search'd,

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Commodities peculiar to the Colonies of the Searchers, yet even that must occasion eternal Animosities and Dissensions. Thus, unless *England* had submitted to Terms, which the most petty Republic in *Europe* in her most deplorable Situation, would have disdain'd, it was impossible for any Friendship betwixt *Spain* and her to subsist. If one were to reason with himself how it could happen, that a Nation formidable by its Power, and impregnable by its Situation, could so long bear such Insults and Indignities from one vastly inferior to her in both these Respects, he would be at a loss to account for so strange a Paradox, without supposing an Inability subsisting in such a State, which prevented its exerting the real Strength it possess'd. This Inability can subsist no other Way than by Division; and the only Means of reconciling Affections of the Majority of the People to their Governors, is by the latter removing from the People all Suspicion of their Conduct being under any undue or corrupt Influence. When this is done, the Opposition becomes but an inconsiderable Faction, unable to distress the Measures of their Governors, and detested by the wisest and honestest Part of

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the Nation. But if this is not done, the Government must be always embarrass'd, no public-spirited Measure can take Place, and let the Shew of Resolution be ever so great, their Neighbours know that they dare not strike one bold Stroke, were it to recover the Rights of their Country from Ruin.

This Situation, were there no other Cause, must soon bring any Country to Ruin. The Appearances of Vigour are equally chargeable to this Nation as the Exertion of it. Our Fleet is now the best perhaps that ever *Britain* saw; but if it is fitted out only for a Parade and to bully, it can serve for nothing but to give *Spain*, and all the World, a farther Confirmation of our Pusillanimity, and to convince them, that the higher the Insolence of the Enemies of *Britain* rises, the less they have to fear. This Opinion, 'tis to be apprehended, is but too much confirm'd by the Arrival of the *Assogue* Ships in the Ports of *Spain*. Had our Fleet seiz'd them, we might have had in our Hands a proper Security for the Neutrality of *France*, and amply indemnify'd our plunder'd Merchants out of the Effects of *Spain*. *Europe* would have then seen that

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we had pass'd the *Rubicon*, and were resolv'd no longer to continue in our slavish Submissions. But instead of acting thus vigorously and wisely, the only Part of the *Spanish* Dominions that ought to have been strongly guarded against by our Fleet, was left quite naked; and the only Measure that ought to have been prosecuted by our M——y appears to have been neglected.

F I N I S.

